

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kevin Jermaine Pickens,

Civil File No. 04-4268 (PAM/AJB)

Petitioner,

v.

ORDER

D.L. Stine, Warden

Respondent.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated August 19, 2005, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Kevin Jermaine Pickens' Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, (Doc. No. 1) is **DENIED**;
2. Kevin Jermaine Pickens' Motion for Relief, (Doc. No. 16), is **DENIED** as moot; and
3. This matter is dismissed with prejudice.

Dated: September 6, 2005

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge